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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,217	08/10/2000	Takayuki Tamura	566.38877X00	6505

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STERLING W. CHANDLER  
1300 NORTH 17TH ST., SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER
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BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/635,217	TAMURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Pierre-Michel Bataille	2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 May 2002 and 25 November 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2 and 6-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

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## DETAILED ACTION

### ***Response to Amendment***

1. This Office Action is responsive to Applicant's communication filed November 25, 2002 in response to The Office Rejection dated May 23, 2002. Applicant's arguments and/or amendments have been considered with the results that follow.
2. Claims 1-5 were originally presented in the application under examination. Of the original claims, claims 3-5 were not elected for prosecution as a result of a Restriction/Election requirement. Therefore, applicant is required to cancel non-elected claims as they feature a different invention from the elected claims 1-2. Claims 6-16 have been newly added. Therefore, Claims 1-2, and 16-16 are now pending in the application.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 6, and 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US 5,867,655 (DeRoo et al).

With respect to claims 1, DeRoo teaches an external storage device connectable to a host computer comprising: a nonvolatile semiconductor memory (corresponding to Electrically Erasable Programmable Read Only Memory (EEPROM)), a part for connecting to the host computer (connectable to central processing unit CPU) [Col. 10, Lines 33-39] and a part for controlling the non-volatile semiconductor memory (system control processor (SCP), a peripheral processor that controls systems management) [Fig. 2], wherein the non-volatile semiconductor memory is divided into plural areas (plurality of predetermined amount of storage spaces defining predetermined address ranges) wherein a first one of said plural areas is read, written and erased through first set of commands [Col. 10, Line 46 to Col. 10, Line 26] and a second one of said plural areas is read written or erased through second set of commands different from said first commands [Col. 25, Lines 44-54] (predetermined address range storing non-protected or user data accessible by the CPU and predetermined address range for storing predetermined program instructions (or critical data) for the system control processor (SCP)) [abstract; Col. 3, Lines 25-40].

With respect to claims 6 and 8, DeRoo teaches the feature recognizing the kind of host computer (CPU or SPC) and performing access control according to the kind of host computer [Col. 83, Lines 55 to Col. 84, line 20] and protected area of the non-volatile memory is password protected where a 1 provides password protection and a 0 provides non password protection [Col. 51, Lines 28-34; Col. 75, Lines 55-60] and

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performing authentication through an authentication procedure for accessing the protected area [Col. 87, Lines 1-8, Lines 50-64].

With respect to claims 9, DeRoo teaches the plural areas comprising a user area for storing user data and a management area for storing management data, the user data comprising normal area and protected area [Col. 86, Lines 61-67; Col. 91, Line 66 to Col. 92, Line 14].

With respect to claims 10 and 12-16, DeRoo teaches commands accessing normal areas and commands different from the first set of commands accessing protected area [Col. 83, Line 12-20] and accessing the protected area requiring successful authentication by comparing a password [Col. 87, Lines 1-8, Lines 50-64] and protection of the critical area to be turned off [Col. 92, Lines 15-20].

With respect to claims 11 and 12, DeRoo teaches controlling the non-volatile memory accessing the protected area within management data area where an address issued coincides with an address in the protected area [Col. 92, lines 38-50; Col. 91, Line 66 to Col. 92, Line 14].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,009,495 (DeRoo et al) in view of US 5,875,465 (Kilpatrick et al).

DeRoo teaches the system defining a plurality of areas; commands accessing normal areas and commands different from the first set of commands accessing protected area [Col. 83, Line 12-20] and accessing the protected area requiring successful authentication by comparing a password [Col. 87, Lines 1-8, Lines 50-64]. DeRoo fails to specifically teach dynamically changing the sizes of a first area and a second area. However, Kilpatrick teaches a memory cache array having a programmably sized portion locked down so that it is not replaced and the complementary programmable range portion where overwriting takes place [abstract; Col. 3, Lines 1-6]. Therefore, it would have been obvious to one having ordinary skill in the art and having both teachings before him at the time of the invention, to include into the system of William, the defining start address of each, the persistent storage area and non-persistent storage area, as taught by Kilpatrick because the result would have permitted dynamic partition of the storage area to be locked down and the dynamic partition of the storage area where overwriting takes place [Col. 3, Lines 12-17].

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (703) 305-0134. The examiner can normally be reached on Tue-Fri (7:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Pierre-Michel Bataille  
Examiner  
Art Unit 2186

June 16, 2003